



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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ALHAMBRA, CALIFORNIA 91803-1331

Telephone: (626) 458-5100  
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**GAIL FARBER, Director**

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

November 30, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

40 NOVEMBER 30, 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**ADOPT, ADVERTISE, AND AWARD  
STREETSCAPE IMPROVEMENTS  
WHITTIER BOULEVARD REVITALIZATION PROJECT  
IN THE UNINCORPORATED COMMUNITY OF EAST LOS ANGELES  
(SUPERVISORIAL DISTRICT 1)  
(3 VOTES)**

### **SUBJECT**

This action is to approve the Whittier Boulevard Revitalization Project to provide streetscape improvements in the unincorporated community of East Los Angeles; adopt the plans and specifications; find that this project has designated a product by specific brand name; call for bids; authorize the Director of Public Works or her designee to award, execute, and implement a construction contract with the apparent responsible contractor with the lowest responsive bid, and delegate certain responsibilities to the Director of Public Works to carry out this project.

### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that this project is categorically exempt from the provisions of the California Environmental Quality Act.
2. Approve the project and adopt the plans and specifications for Whittier Boulevard Revitalization Project, streetscape improvements, in the unincorporated community of East Los Angeles, at an estimated cost between \$2,000,000 and \$2,700,000.
3. Find that this project has designated the solar powered bus stop lights by specific brand name in order to match the existing solar powered bus stop lights within the project limits.
4. Call for bids to be received on January 6, 2011.

5. Instruct the Executive Officer of the Board of Supervisors to advertise the project and seal and return the plans and specifications to the Department of Public Works for filing.
6. Authorize the Director of Public Works or her designee to award, execute, and implement a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule and environmental plans for a \$12,500 not-to-exceed fee funded by existing project funds.
7. Authorize the Director of Public Works or her designee to award, execute, and implement a construction contract with the apparent responsible contractor with the lowest responsive bid within the estimated cost range, approve the Faithful Performance and Labor and Material Bonds and insurance submitted by the contractor, and deliver the project.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to obtain approval of the project from the County of Los Angeles Board of Supervisors (Board) and to adopt the plans and specifications; advertise for bids; and authorize the Director of Public Works (Director) or her designee to award, execute, and implement a construction contract with the apparent responsible contractor with the lowest responsive bid for streetscape improvements and the performance of other appurtenant work.

The proposed consultant services agreement to prepare a baseline construction schedule and environmental plans that conforms to the County of Los Angeles' (County) specifications is critical to successfully manage construction activities by both the contractor and the County, and a responsible contractor must be able to produce these deliverables. Bid specifications provide that if the contractor fails to complete acceptable deliverables, the Department of Public Works (Public Works) may return to your Board to recommend that the contractor be determined nonresponsive and recommend awarding the construction contract to the next apparent responsible contractor with the lowest responsive bid contingent on that bidder completing deliverables which conform to the County's specifications.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The recommended actions will help achieve these goals by providing enhanced aesthetics on Whittier Boulevard that enriches the quality of life for residents of the community.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The estimated construction cost to complete this project is in the range of \$2,000,000 to \$2,700,000. This project will be administered under the Federal Transportation Enhancement Program. Under this program, Federal grant funds awarded to local agencies are used to finance a portion of the construction cost of qualifying projects. The construction cost and the \$12,500 not-to-exceed fee for the consultant services agreement are included in the First Supervisorial District's Road Construction Program in the Fiscal Year 2010-11 Road Fund Budget.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

This project, to contract for streetscape improvements, is part of the Department of Public Works (Public Works) ongoing highway construction and maintenance program. It will be advertised in accordance with Section 20392 of the State Public Contract Code.

The State Public Contract Code, Section 3400, allows a product to be designated by specific brand name for several purposes, one of which is to match other products in use on a completed public improvement, if the awarding authority makes a finding and language is included in the invitation for bids. The project plans and specifications designate the solar powered bus shelter lights be those manufactured by Carmanah Technologies, Inc., in order to match the existing solar powered bus stop lights within the project limits located along the north side of Whittier Boulevard west of Ford Boulevard. The notice inviting bids includes language describing this finding.

As included in the contract, a holiday construction moratorium will be in effect between November 18, 2011, and January 1, 2012. This project is to be completed in 120 working days. An additional 40 working days are required for Southern California Edison Company to replace street lights. It is estimated the work will start in May 2011 and be completed in February 2012.

Delegating to the Director or her designee the authority to award, execute, and implement this construction contract allows an expedited contracting process to obtain a contractor for the construction of streetscape improvements along Whittier Boulevard.

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

The award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting your Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles (County) Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making a recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15301(c), 15303(e), and 15304(b) of the CEQA guidelines; Class 1, subsections (x)(4), (x)(13), (x)(14), and (x)(16); Class 3(b); and Class 4(c) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for reconstruction of curbs, gutters, and sidewalk; landscape and parkway tree planting; irrigation system installation; and bus shelter installation.

### **CONTRACTING PROCESS**

This project will be contracted on an open-competitive bid basis. The award by the Director or her designee will be made after review of the bids meeting the criteria established by your Board and the State Public Contract Code. The County Local Small Business Enterprise preference will not be applied to the determination of the lowest responsive bid. To be eligible for the Federal funds financing the majority of this project, Title 49, Code of Federal Regulations, requires award to the lowest bidder.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on the County website for upcoming bids.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

When the project is completed, it will have a positive impact by providing enhanced aesthetics on Whittier Boulevard that enriches the quality of life for residents of the community.

### **CONCLUSION**

Please return one adopted copy of this letter to Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER  
Director

GF:JTS:lg

c: Chief Executive Office  
County Counsel  
Executive Office  
Office of Affirmative Action Compliance